

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
**JUDGE PETER W. BOWIE, PRESIDING**  
**WEDNESDAY, NOVEMBER 26, 2014**

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**10:00 AM**

**1 - 10-09830-PB      Ch 13   PHILIP ANDREW MCCARVELL**

TRUSTEE'S MOTION TO DISMISS CASE (fr. 10/29/14)

**Court Deputy Note:** Off calendar; withdrawn on 11/19/14 (doc. #90).

ATTORNEY: CHRISTOPHER R. BUSH (PHILIP ANDREW MCCARVELL)

**2 - 10-10302-PB      Ch 13   GREG & GWENDOLYN WOODS**

TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: GREGORY HIGHNOTE (GREG WOODS, GWENDOLYN WOODS)

**3 - 10-13954-PB      Ch 13   NANCY ELLEN DANIELS**

TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: WILLIAM F. MCDONALD (NANCY ELLEN DANIELS)

**4 - 10-22854-PB      Ch 13   ANTHONY J & ANNETTE R KALWASINSKI**

TRUSTEE'S MOTION TO DISMISS CASE (fr. 10/1/14)

ATTORNEY: TODD A. WARSHOF (ANNETTE R KALWASINSKI, ANTHONY J KALWASINSKI)

**5 - 11-12106-PB      Ch 13   SERGIO & MARIA DEL REFUGIO ENRIQUEZ**

TRUSTEE'S MOTION TO DISMISS CASE

ATTORNEY: GEORGE PANAGIOTOU (MARIA DEL REFUGIO ENRIQUEZ, SERGIO ENRIQUEZ)

**6 - 11-14834-PB      Ch 13   RICHARD L. & ANNA M. WARNER**

DEBTOR'S MOTION TO MODIFY PLAN

ATTORNEY: THOMAS K. SHANNER (ANNA M. WARNER, RICHARD L. WARNER)

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
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**11:30 AM**

**1 - 13-09686-CL      Ch 13   TALA POUYAGOHAR HENSON**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF ONE WEST BANK, FSB (fr. 10/29/14)

**Tentative Ruling:**      This case was continued to allow Movant to rectify evidentiary defect and allow filing of supporting declarations as referenced in the motion and notice of hearing. Despite a detailed tentative, no competent evidence of value of the property or supporting declarations have been filed.

This case is **continued to January 21, 2015 at 11:30 a.m., Dept. #4.** Failure to file competent evidence of value will result in denial of the motion for unreasonable delay.

ATTORNEY: TODD A. WARSHOF (TALA POUYAGOHAR HENSON)

**2 - 13-11352-CL      Ch 13   RAUL RIOS-ZAMORA**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF UNITED GUARANTY RESIDENTIAL INSURANCE CO., AS SERVICER FOR DEUTSCHE BANK, AS PURCHASER/SUCCESSOR TO MORTGAGE IT, INC. ("DEUTSCHE"), AND/OR ANY HEIRS, SUCCESSORS, OR ASSIGNS (fr. 10/1/14)

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$410,000; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: CHRISTOPHER R. BUSH (RAUL RIOS-ZAMORA)

UNITED STATES BANKRUPTCY COURT  
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**11:30 AM**

**3 - 13-11858-LT      Ch 13   SOILA CONSUELO MONTERROSO**

DEBTOR'S AMENDED MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY CAPITAL I INC. TRUST 2006-NC2, MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2006-NC2 (fr. 10/1/14)

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$365,000; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: JOHN A. VARLEY (SOILA CONSUELO MONTERROSO)

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
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**WEDNESDAY, NOVEMBER 26, 2014**

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**11:30 AM**

**4 - 14-01520-LT      Ch 13   CONCEPCION M IBARRA**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF SPECIALIZED LOAN SERVICING, LLC AS SERVICER FOR THE BANK OF NEW YORK, F/K/A/ THE BANK OF NEW YORK, AS SUCCESSOR TO JPMORGAN CHASE BANK N.A. AS INDENTURE TRUSTEE, ON BEHALF OF THE HOLDERS OF THE TERWIN MORTGAGE TRUST 2006-2HGS, ASSET BACKED SECURITIES, SERIES 2006-2HGS, AS SUCCESSOR TO ARGENT MORTGAGE COMPANY, LLC ("SPECIALIZED LOAN SERVICING") (fr. 10/1/14)

**Tentative Ruling:      Matter continued to January 21, 2015 at 11:30 a .m., Dept. #4**

1) The Proof of Claim filed in in connection with the affected lien names a different creditor (The Bank of New York Mellon, f/k/a The Bank of New York, as successor to JPMorgan Chase Bank, N.A. as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2006-2HGS, Asset-backed Securities, Series 2006-2HGS) as the real party in interest than the creditor named in the Motion (Specialized Loan Servicing, LLC as servicer for The Bank of New York, f/k/a/ The Bank of New York, as successor to JPMorgan Chase Bank N.A. as Indenture Trustee, on behalf of the holders of the Terwin Mortgage Trust 2006-2HGS, Asset backed Securities, Series 2006-2HGS, as successor to Argent Mortgage Company, LLC ("Specialized Loan Servicing")). Movant is instructed to file and properly serve a Notice of Continued Hearing and an Amended Motion which names the correct real party in interest for the affected lienholder, along with the underlying pleadings, by December 10, 2014.

2) Service defect. The Bank of New York Mellon was not served. The lender appears to be an FDIC-insured institution which triggers the additional service requirement in FRBP 7004(h) of certified mail service to the attention of a corporate officer. Counsel must re-serve all originally served parties with Notice of Continued Hearing, plus serve underlying pleadings together with Notice of Continued Hearing as required by 7004(h).

Counsel is excused from attending this hearing.

ATTORNEY: EDWARD MEDINA (CONCEPCION M IBARRA)

**5 - 14-02178-MM      Ch 13   OSCAR & YESENIA C. ANTOLIN**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF BANK OF AMERICA, N.A.

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$275,000; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: FRANK D. WALKER (OSCAR ANTOLIN, YESENIA C. ANTOLIN)

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
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**WEDNESDAY, NOVEMBER 26, 2014**

---

**11:30 AM**

**6 - 14-02194-CL      Ch 13   KIMBERLY ANN MCGAHA**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF WELLS FARGO BANK NA (advanced fr. 1/21/15)

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$475,000; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: JOHN A. VARLEY (KIMBERLY ANN MCGAHA)

**7 - 14-03306-CL      Ch 13   NORBERTO & ANGELINA MARTINEZ**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF SPECIALIZED LOAN SERVICING, LLC AS SERVICER FOR THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK, AS SUCCESSOR TO JP MORGAN CHASE BANK NA, AS INDENTURE TRUSTEE ON BEHALF OF THE HOLDERS OF THE TERWIN MORTGAGE TRUST 2006-6 ASSET-BACKED SECURITIES, SERIES 2006-6 (fr. 10/1/14)

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$485,000; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: DAYNA C. CHILLAS (ANGELINA MARTINEZ, NORBERTO MARTINEZ)

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
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**WEDNESDAY, NOVEMBER 26, 2014**

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**11:30 AM**

**8 - 14-03418-LT      Ch 13   JUAN J & ANA B CARO-GODINEZ**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF ONEWEST BANK, N.A., FORMERLY KNOWN AS ONEWEST BANK, FSB; INDYMAC BANK, FSB; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

**Tentative Ruling:**      **Matter continued to January 21, 2015 at 11:30 a.m., Dept. #4,** to allow debtor to file competent evidence of amount of debt owed on senior lien as of the date of the petition.

Counsel's appearance at this hearing is excused.

ATTORNEY: GEORGE PANAGIOTOU (ANA B CARO, JUAN J CARO-GODINEZ)  
ATTORNEY: MARK D. ESTLE (ONEWEST BANK, N.A.)

**9 - 14-03744-CL      Ch 13   RAFAEL CASACLANG & APRIL DIMAILIG GARLEJO**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF CITI, THE CIT GROUP AND MERS

**Tentative Ruling:**      **Matter continued to January 21, 2015 at 11:30 a.m., Dept. #4**

1) The affected lien and affected lienholder identified in the Motion are unsubstantiated by documentation filed in support of the Motion, such as Deed of Trust or title report to identify the affected lien, and the promissory note or a statement from the servicing agent which indicates the creditor named is the affected lienholder. Movant is instructed to file and serve a supplemental statement which provides such documentation by December 10, 2014.

2) Movant has alleged that the affected lien identified with County Recorder Instrument Number 2005-0779625, recorded on September 8, 2005 is junior to the lien associated with the lien identified as senior, which was recorded on September 8, 2005, as Instrument Number 2005-0779626 (Claim #10). Movant is instructed to file and serve a supplemental statement which provides evidence of subordination of the affected lien to the lien identified as senior, and a Notice of Continued Hearing.

Counsel is excused from attending this hearing.

ATTORNEY: JEFFERY R. MENARD (APRIL DIMAILIG GARLEJO, RAFAEL CASACLANG GARLEJO)

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
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**11:30 AM**

**10 - 14-04074-LT      Ch 13   ENRIQUE FLORES-SILVA**

DEBTOR'S AMENDED MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF GREEN TREE SERVICING, LLC; THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE FOR GMACM HOME EQUITY LOAN TRUST 2007-HE2; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.("MERS"); FIRST MAGNUS FINANCIAL CORPORATION; ALL SUCCESSORS AND ASSIGNS IN INTEREST (fr. 10/1/14)

**Tentative Ruling:**

Service defect. **Matter continued to January 21, 2015 at 11:30 a .m., Dept. #4** The Bank of New York Mellon was not served. The lender appears to be an FDIC-insured institution which triggers the additional service requirement in FRBP 7004(h) of certified mail service to the attention of a corporate officer. Counsel must re-serve all originally served parties with Notice of Continued Hearing, plus serve underlying pleadings together with Notice of Continued Hearing as required by 7004(h).

Counsel is excused from attending this hearing.

ATTORNEY: GEORGE PANAGIOTOU (ENRIQUE FLORES-SILVA)

**11 - 14-04290-MM      Ch 13   DAN A. & LINDA L. CARMICHAEL**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF CITIBANK, N.A. AND/OR CHASE

**Tentative Ruling:**

Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$222,500; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: AHREN TILLER (DAN A. CARMICHAEL, LINDA L. CARMICHAEL)

UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
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---

**11:30 AM**

**12 - 14-04434-LA      Ch 13   RYAN DIP DEAM & KHON LON**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF ANSON STREET LLC C/O SHELLPOINT MORTGAGE SERVICING, ITS SUCCESSORS AND/OR ASSIGNS

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$255,000; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: STEVEN F. BLISS (KHON LON, RYAN DIP DEAM)

**13 - 14-04482-LA      Ch 13   RAMIRO & ALEJANDRINA VALLADARES**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AND ITS PRINCIPALS, SUCCESSORS AND/OR ASSIGNS ("JPMORGAN CHASE")

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal, house is valued at \$296,782; pursuant to Sec. 506(a) Court finds junior lienholder's lien wholly unsecured by residence's value. Pursuant to Sec. 1322(b), the claim may be treated as unsecured for purposes of this case and the lien may be stripped off following plan confirmation, completion of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this hearing and may submit an order forthwith. Further, counsel is authorized to add the guideline fee for motions of this type to any request for fees in connection with plan confirmation.

ATTORNEY: DEBORAH L. RAYMOND (ALEJANDRINA VALLADARES, RAMIRO VALLADARES)



UNITED STATES BANKRUPTCY COURT  
DEPARTMENT 4  
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**WEDNESDAY, NOVEMBER 26, 2014**

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**11:30 AM**

**14 - 14-06970-MM      Ch 13    KIRK EDWARD & MARIE ROSAS MANNING**

DEBTOR'S MOTION TO VALUE REAL PROPERTY, TREAT CLAIM AS  
UNSECURED AND AVOID JUNIOR LIEN OF TAMARACK POINT MASTER  
ASSOCIATION

**Tentative Ruling:**      Motion to Strip Junior Lien **GRANTED**. Per unopposed appraisal,  
house is valued at \$392,500; pursuant to Sec. 506(a) Court finds junior  
lienholder's lien wholly unsecured by residence's value. Pursuant to Sec.  
1322(b), the claim may be treated as unsecured for purposes of this case  
and the lien may be stripped off following plan confirmation, completion  
of the plan, and resulting discharge.

As this motion is unopposed, counsel is excused from attending this  
hearing and may submit an order forthwith. Further, counsel is  
authorized to add the guideline fee for motions of this type to any request  
for fees in connection with plan confirmation.

ATTORNEY: MICHAEL G. DOAN (KIRK EDWARD MANNING, MARIE ROSAS  
MANNING)

ATTORNEY: CHRISTOPHER R. BUSH (KIRK EDWARD MANNING, MARIE ROSAS  
MANNING)